

ORDINANCE NO. 2007 -041

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 95-31 AS AMENDED BY ORDINANCE NO. 2002-066 AND ORDINANCE NO. 05-046, AS CODIFIED IN SECTIONS 2-261 THROUGH 2-313 OF THE PALM BEACH COUNTY CODE, RELATING TO EQUAL EMPLOYMENT; PROVIDING FOR ADDITIONAL PROTECTED CLASS; PROVIDING FOR DEFINITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida enacted Ordinance 95-31, as amended by Ordinance No. 2002-066 and Ordinance No. 2005-046, providing for equal opportunities in employment, and such Ordinance is codified in Sections 2-261 through 2-313 of the Palm Beach County Code; and

**WHEREAS**, the Board of County Commissioners wishes to add an additional protected class.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that Sections 2-261 through 2-313 of the Palm Beach County Code be amended:

**SECTION 1 – PURPOSE – ADDITIONAL PROTECTED CLASS:** Sections 2-262 of the Palm Beach County Code shall be amended to read as follows:

It shall be the policy of the Board of County Commissioners, in the exercise of its police power for the public safety, public health, and general welfare to assure, within constitutional limitations, that all persons regardless of race, color, sex, national origin, religion, age, disability, familial status, marital status, sexual orientation or gender identity or expression as defined by Title VII of the Civil Rights Act of 1991, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, as amended, the Rehabilitation Act, the Americans with Disabilities Act of 1990, the Florida Civil Rights Act or otherwise provided herein, be afforded equal opportunity to all terms and conditions of employment. Palm Beach County shall take all necessary and reasonable action to prevent discrimination in employment.

**SECTION 2 – DEFINITION OF DISCRIMINATION CLASSIFICATION:** Section 2-263, definition of "discrimination classification" is amended to read as follows:

*Discrimination classification* means a classification on the basis of race, color,

1 religion, national origin, sex, age, disability, familial status, marital status, sexual  
2 orientation or gender identify or expression.

3 **SECTION 3 – DUTIES AND POWERS OF DIRECTOR-ADDITIONAL**

4 **PROTECTED CLASS:** Section 2-273(1)(a-b) of the Palm Beach County Code is  
5 amended to read as follows:

6 The powers and duties of the director and/or the director's designee shall be:

7 (1) To investigate and make findings regarding:

- 8 a. Tension or prejudice in relation to all equal employment involving  
9 race, sex, color, religion, national origin, age, disability, familial  
10 status, marital status, sexual orientation or gender identity or  
11 expression.  
12 b. Discrimination against any person by any person with regard to  
13 employment on the basis of race, sex, color, religion, national  
14 origin, age, disability, familial status, marital status, sexual  
15 orientation or gender identity or expression.

16 **SECTION 4 – OBJECTIVES – ADDITIONAL PROTECTED CLASS:** Section 2-

17 287(1) of the Palm Beach County Code is amended to read as follows:

18 The objective of the Board shall be:

- 19 (1) To promote and encourage fair treatment and equal opportunity in  
20 employment for all persons regardless of race, sex, color, religion, national  
21 origin, age, disability, familial status, marital status, sexual orientation or  
22 gender identity or expression to promote and encourage mutual  
23 understanding and respect among such persons and to endeavor to  
24 eliminate employment discrimination against and antagonism between  
25 such persons.

26 **SECTION 5 – POWERS AND DUTIES – ADDITIONAL PROTECTED CLASS:**

27 Section 2-288 of the Palm Beach County Code is amended to read as follows:

28 The powers and duties of the board shall be:

- 29 (1) To refer or accept referral of complaints when appropriate and to cause,  
30 through the office of equal opportunity, investigations of:  
31 a. Tension or prejudice in relation to all employment matters involving



1 race, sex, color, religion, national origin, age, disability, familial  
2 status, marital status, sexual orientation or gender identity or  
3 expression.

4 b. Discrimination against any person by any with regard to  
5 employment matters on the basis of race, sex, color, religion,  
6 national origin, age, disability, familial status, marital status, sexual  
7 orientation or gender identity or expression.

8 **SECTION 6 – UNLAWFUL EMPLOYMENT PRACTICES – ADDITIONAL**

9 **PROTECTED CLASS:** Section 2-312(a-f) of the Palm Beach County Code is amended  
10 to read as follows:

11 (a) It is an unlawful employment practice for an employer:

12 (1) To discharge or to fail or refuse to hire any individual, or otherwise  
13 to discriminate against any individual with respect to compensation,  
14 terms, conditions, or privileges of employment, because of such  
15 individual's race, color, religion, sex, national origin, age, disability,  
16 familial status, marital status, sexual orientation or gender identity  
17 or expression.

18 (2) To limit, segregate, or classify employees or applicants for  
19 employment in any way which would deprive or tend to deprive any  
20 individual of employment opportunities, or adversely affect any  
21 individual's status as an employee, because of such individual's  
22 race, color, religion, sex, national origin, age, disability, familial  
23 status, marital status, sexual orientation or gender identity or  
24 expression.

25 (b) It is an unlawful employment practice for an employment agency to fail or  
26 refuse to refer for employment, or otherwise to discriminate against, any individual  
27 because of race, color, religion, sex, national origin, age, disability, familial status,  
28 marital status, sexual orientation or gender identity or expression, or to classify or refer  
29 for employment any individual on the basis of race, color, religion, sex, national origin,  
30 age, disability, familial status, marital status, sexual orientation or gender identity or  
31 expression.

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(c) It is an unlawful employment practice for a labor organization:

- (1) To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual orientation or gender identity or expression.
- (2) To limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any which would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual orientation or gender identity or expression.
- (3) To cause or attempt to cause an employer to discriminate against an individual in violation of this article.

(d) It is an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual orientation or gender identity or expression or in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Whenever, in order to engage in a profession, occupation, or trade, it is required that a person receive a license, certification, or other credential, become a member of an association of any club, association, or other organization, or pass any examination, it is an unlawful employment practice for any person to discriminate against any other person seeking such license, certification, or other credential, seeking to become a member or associate of such club, association or other organization, or seeking to take or pass such examination, because of such other person's race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual



1 orientation or gender identity or expression.

2 (f) It is an unlawful employment practice for an employer, labor organization,  
3 employment agency, or joint labor-management committee to print or cause to be  
4 printed or published, any notice or advertisement relating to employment, membership,  
5 certification, referral for employment, or apprenticeship or other training, indicating any  
6 preference, limitation, specification, or discrimination based on race, color, religion, sex,  
7 national origin, age, disability, familial status, marital status, sexual orientation or gender  
8 identity or expression.

9 **SECTION 7 – DEFINITION OF GENDER IDENTITY OR EXPRESSION:**

10 Section 2-263 of the Palm Beach County Code is hereby amended to include the  
11 following definition:

12 *Gender Identity or Expression* means a gender-related identity, appearance,  
13 expression or behavior of an individual, regardless of the individual's assigned sex at  
14 birth.

15 **SECTION 8 - REPEAL OF LAWS IN CONFLICT:** All local laws and ordinances  
16 applying to the unincorporated area of Palm Beach County, Florida in conflict with any  
17 provisions of this ordinance are hereby repealed.

18 **SECTION 9 - SEVERABILITY:** If any section, paragraph, sentence, clause,  
19 phrase, or word of this ordinance is for any reason held by a court to be  
20 unconstitutional, inoperative, or void, such holding shall not affect the remainder of this  
21 ordinance.

22 **SECTION 10 - INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

23 The provisions of this ordinance shall become and be made a part of the Code of Laws  
24 and Ordinances of Palm Beach County, Florida. The sections of this ordinance may be  
25 renumbered or relettered to accomplish such, and the word "ordinance" may be  
26 changed to "section", "article", or other appropriate word.

27 **SECTION 11 - EFFECTIVE DATE:** The provisions of this ordinance shall  
28 become effective upon filing with the Department of State.

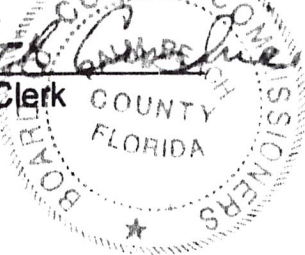
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APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
County, Florida, on this the 18th day of December, 2007.

SHARON R. BOCK,  
CLERK & COMPTROLLER  
PALM BEACH COUNTY

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: *Judith Greene*  
Deputy Clerk



By: *Addie L. Greene*  
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: *Tommy D.*  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 27th day of  
December, 2007.

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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on December 18, 2007  
dated at West Palm Beach, FL on 11/9/08  
By: *Sharon Bock*  
Deputy Clerk

